

EXHIBIT 67
FILED UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.,) 3:17-cv-00939-WHA
OTTOMOTTO LLC; OTTO)
TRUCKING LLC,)
Defendants.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF SCOTT BOEHMKE

San Francisco, California

Monday, April 17, 2017

Volume I

Reported by:

SUZANNE F. GUDELJ, CSR No. 5111

Job No. 2596382

PAGES 1 - 79

Page 1

1 Q Okay. So you started talking with Mr.
2 Levandowski about LiDAR sensors for Uber's
3 self-driving cars in April of 2016, correct?

4 A Yes.

5 Q And you were interested in talking to him 02:14:52
6 because he was going to provide custom LiDAR
7 technology for Uber, right?

8 MR. KIM: Objection. Vague.

9 THE WITNESS: Could you be more specific?

10 MR. JAFFE: So Mr. Kim, I don't know if 02:15:06
11 you've read Judge Alsup's standing order recently,
12 but he has very specific guidance about the type of
13 objections, and so at this point, I would just
14 suggest to you that what you're doing is a little
15 bit farther out of bounds than what has been done in 02:15:23
16 this case so far. But --

17 MR. KIM: So I'll --

18 MR. JAFFE: So putting that aside --

19 MR. KIM: I've read Judge Alsup's standing
20 order, and I disagree with that characterization. 02:15:33
21 My objection was just as to the improper form of the
22 question. It's also consistent with the objections
23 we made in depositions taken by yourself and
24 Mr. Perlson for both Mr. Levandowski and also others
25 in this case. 02:15:52

1 Q Great.

2 MR. JAFFE: I'm going to mark as Exhibit 51
3 a document Bates labeled UBER00008569. Oh, sorry,
4 this is going to be a different -- I'll mark my one
5 52, then. 02:19:12

6 (Deposition Exhibit 52 marked by the court
7 reporter.)

8 BY MR. JAFFE:

9 Q Mr. Boehmke, have you seen what I've marked
10 as Exhibit 52 before? 02:19:46

11 A I believe I have.

12 Q Why were you sending Mr. Levandowski an
13 email entitled "Simulation" in April of 2016?

14 A This was one of the configurations that he
15 and I had discussed on the 27th. It was based on a 02:20:01
16 simulation I had done in December of 2015, and so I
17 gave him a output from that simulation.

18 Q Okay. What is Mr. Levandowski's job at
19 Uber right now?

20 A He's leading the self-driving car effort. 02:20:33

21 Q Including LiDAR?

22 A It's under his purview.

23 Q So he's in charge of Uber's LiDAR
24 development efforts, right?

25 A I don't report directly to him, but the 02:20:45

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 chain of command would go to him.

2 Q So "yes"?

3 A Yes.

4 Q Okay. Does -- do you work on any other

5 projects other than Fuji right now?

02:20:58

6 A Yes.

7 Q What are the other projects you work on?

8 A

■ [REDACTED].

10 Q Any other LiDAR projects?

02:21:08

11 A

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

17 MR. KIM: At this point, I'm going on

18 designate the entire transcript Attorneys' Eyes Only

19 subject to the protective order in this case.

20 MR. JAFFE: Okay.

02:21:42

21 BY MR. JAFFE:

22 Q All right. We'll come back to that.

23 [REDACTED]

■ [REDACTED]

■ [REDACTED]

02:21:55

1 A I don't know. I don't know. I don't have
2 a name for it. I don't -- I refer to it as a --
3 it's [REDACTED]

4 Q [REDACTED] you said?

5 A Mm-hmm. 02:24:39

6 Q Does it use [REDACTED]?

7 A Yes.

8 Q Who designed it?

9 A It was demonstrated by myself and a
10 coworker, Jim Gasbarro. 02:24:49

11 Q So going back to this timeline, you met Mr.
12 Levandowski in April. You started working on a
13 custom LiDAR solution where he would implement it
14 for Uber based on your specifications; is that
15 right? 02:25:10

16 A Yes.

17 Q Okay. At what point did you understand
18 that Uber was in potential discussions to acquire
19 Otto?

20 A I don't recall the timeline. 02:25:21

21 Q Can you give me any sort of bounding time?
22 Was it -- were you surprised -- well, let me start
23 over. Is that all right?

24 A That's fine.

25 Q When he heard about the acquisition, did it 02:25:33

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 [REDACTED].

2 Do you know what that refers to?

3 A Yes.

4 Q What does it refer to?

5 A So they were [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q And it -- there's a reference here to a

9 [REDACTED]

10 [REDACTED]

02:55:14

11 Do you see that?

12 A Mm-hmm.

13 Q What does that refer that?

14 A That was the [REDACTED]

15 [REDACTED]

02:55:21

16 Q And why are -- what's the point of [REDACTED]

17 [REDACTED]

18 A It was to reflect part of the return

19 beam -- part of the cavity to reflect the receivers.

20 I'm not clear whether that was receivers or

02:55:36

21 transmitters, but transmitters would go one

22 direction, receives would come another direction.

23 One of the two was reflected off that.

24 Q Okay. I see. So we're talking about a

25 single lens system here; is that right?

02:55:49

Page 44

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 A Yes.

2 Q Okay. So in October, Otto was working on
3 V2 as a single lens system; is that right?

4 A No. This was an optical cavity for V1.

5 Q I see. So V1 a single lens system; is that 02:56:04
6 right?

7 A There was one lens per cavity on V1.

8 Q And when you say "per cavity," does that
9 mean that there was a -- transmit and receive would
10 both overlap and go through the same lens; is that 02:56:19
11 right?

12 MR. KIM: Objection. Vague.

13 THE WITNESS: Transmit and receive went
14 through the same lens, yes.

15 BY MR. JAFFE: 02:56:30

16 Q Who came up with that design?

17 A That would have been the West Coast team.

18 Q Mr. Levandowski?

19 A No, Mr. Haslim.

20 Q Mr. Levandowski wasn't involved in the 02:56:44
21 [REDACTED] in V1?

22 MR. KIM: Objection. Calls for
23 speculation.

24 THE WITNESS: I have no way of knowing his
25 involvement. 02:56:53

1 were envisioning placing edge-emitting lasers around
2 the curved edge of a PCB?

3 A It does not say that in this document.

4 Q Okay.

5 A This document was to demonstrate 03:22:11
6 positioning multiple lasers on a board that were the
7 lines shown in the graphs.

8 Q What lines?

9 A These lines (indicating).

10 Q And after you came up with what's in 03:22:34
11 Exhibit G, what did you -- what did you do with this
12 information?

13 A So this information was the plan B which
14 was not pursued after going through commercial
15 third-party efforts with [REDACTED]. 03:22:50

16 Q And plan A was [REDACTED]?

17 A Mm-hmm.

18 Q Plan B was -- did it have a name other than
19 plan B?

20 A It turned into Fuji. 03:22:59

21 Q And then what was plan C?

22 A Plan C was the Spider.

23 Q Okay. Was there a plan D?

24 A Not by name.

25 Q What does that mean, "not by name"? 03:23:09

1 A There were other configurations that we
2 were discussing, but they were not in that document
3 where I spelled out A, B and C.

4 Q So going back to Exhibit G of your
5 declaration -- 03:23:31

6 A Mm-hmm.

7 Q -- where does it say in this document that
8 -- where the -- the points are aligned in rows like
9 this means that they'd be on a single PCB?

10 A Each of the lines was a straight board. 03:23:44

11 Q Where does it say that?

12 A It's a spreadsheet. It doesn't say it.

13 Q Right. So there actually is no information
14 in here that says: Hey, we should put all of these
15 on one printed circuit board, right? 03:23:58

16 MR. KIM: Objection. Mischaracterizes the
17 evidence.

18 THE WITNESS: The diagram in the
19 declaration on the previous page shows multiple
20 lasers on a curved surface as they would have been 03:24:07
21 in this board. This board -- this spreadsheet shows
22 how many boards would be required given a particular
23 pitch and a certain desire for a number of beams.

24 BY MR. JAFFE:

25 Q You came up with Exhibit G in February, 03:24:22

1 Q What about the transmit board design?

2 A That would be ridiculous. A transmit board
3 for the fiber laser is entirely different.

4 Q We talked about the design of the Spider
5 and that it's a one lens per fiber laser; is that 03:58:57
6 right?

7 A The Spider was one lens. It had behind it
8 eight fibers.

9 Q I see. So there would be eight fiber
10 lasers and one lens that would both transmit and 03:59:13
11 receive; is that right?

12 A Yes.

13 Q And your testimony is they never put it all
14 together; is that right?

15 A I've never seen it together, no. 03:59:28

16 Q So it didn't answer my question. My
17 question --

18 A To my knowledge, it was never completely
19 assembled.

20 Q Okay. Thank you. 03:59:38

21 Is there anything else relevant to your
22 declaration, or as you understand it, the
23 allegations in this case, that we haven't discussed
24 today?

25 A We've overlooked a document provided to 03:59:54